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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 15 November 2006 from the Permanent Mission of New Zealand to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of New Zealand to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to refer to the Chairman's note dated 1 November 2006. In accordance with paragraph 11 of resolution 1718, the Government of New Zealand is pleased to submit the attached report on the implementation of the resolution (see annex).

06-63627 (E) 121206

Annex to the note verbale dated 15 November 2006 from the Permanent Mission of New Zealand to the United Nations addressed to the Chairman of the Committee

New Zealand Report on the implementation of sanctions imposed by United Nations Security Council Resolution 1718 (2006)

Under paragraph 11 of the United Nations Security Council Resolution 1718 (UNSCR 1718), member states are called upon to report to the Security Council within thirty days of the adoption of the resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8 of the resolution.

New Zealand wishes to inform the Council that it is working to implement the provisions of paragraph 8 of UNSC 1718 through the drafting of sanctions regulations promulgated under the United Nations Act 1946. New Zealand intends to promulgate the Regulations as soon as possible.

Paragraph 8(a):

All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:

(i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction related programmes;

(iii) Luxury goods

8 (a): Embargo on military equipment, items with a nuclear, ballistic or WMD end use and luxury goods

New Zealand's Regulation will prevent the direct or indirect supply, sale or transfer to the DPRK, through New Zealand's territory, or using New Zealand's flag vessels or aircraft (whether or not originating in their territories) of military equipment and items with a nuclear, ballistic or WMD end use and

luxury goods." New Zealand will work with others to apply a consistent approach to the definition of "luxury goods".

All sanctioned military, WMD and ballistic missile related items are already listed on the New Zealand Strategic Goods List. Items on this list require a permit for **export**, regardless of the destination. Application for export of all sanctioned military, WMD and ballistic missile related items to DPRK will be denied pending the implementation by regulation of provisions of paragraph 8(a)(i) and 8(a)(ii) of UNSCR 1718. Control over the **import** of sanctioned items from DPRK will be covered by the Regulations.

Paragraph 8(b):

The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK.

8 (b): Ban on New Zealanders procuring 8 (a) (I) and (II)

The DPRK is prohibited from exporting goods in 8 (a) (i) and (ii) and New Zealand's Regulation will prohibit New Zealanders from buying these goods from the DPRK or transporting such goods on their flagged vessels or aircraft.

Paragraph 8(c):

All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii)above.

8 (c): Ban on the provision of services

New Zealand's Regulations will ban the export of services (technical training, advice, services or assistance) related to these goods to the DPRK. For example, a New Zealander would be banned from providing technical training or emailing a manual related to military or WMD items.

Paragraph 8(d):

All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities.

8 (d): Asset Freeze

New Zealand's Regulation will freeze assets (funds, economic resources) on New Zealand's territory owned or controlled by persons/entities to be designated by the DPRK Sanctions Committee. It will also prevent New Zealanders from making funds, assets or resources available to these persons or entities. There are some exemptions to this sanction (including payments for legal fees and necessary expenses) and the Regulation will provide for these to be considered by New Zealand on a case by case basis and to be subject to the approval of the Sanctions Committee.

Paragraph 8(e):

All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory.

8 (e): Travel Ban

New Zealand's Regulation will put in place a travel ban against persons from the DPRK (and their family members) who will be designated by the DPRK Sanctions Committee. The Committee may make exceptions on humanitarian grounds.

The New Zealand Department of Labour has already placed North Korea on the list of countries whose nationals' applications to travel to New Zealand must be scrutinised by the New Zealand Immigration Profiling Group, to ensure that those nationals do not pose a risk to New Zealand's security or international reputation.

Wellington,
15 November 2006